



S&H Form: (12/04)

BPM

## REPLY/AMENDMENT FEE TRANSMITTAL

|                 |      |                      |                    |  |
|-----------------|------|----------------------|--------------------|--|
|                 |      | Attorney Docket No.  | 1349.1296          |  |
|                 |      | Application Number   | 10/724,723         |  |
|                 |      | Filing Date          | December 2, 2003   |  |
|                 |      | First Named Inventor | Se-hyun LYU et al. |  |
|                 |      | Group Art Unit       | 3653               |  |
| AMOUNT ENCLOSED | 0.00 | Examiner Name        | David H. Bollinger |  |

### FEE CALCULATION (fees effective 12/08/04)

| CLAIMS AS AMENDED   | Claims Remaining After Amendment | Highest Number Previously Paid For | Number Extra | Rate          | Calculations |
|---|----------------------------------|------------------------------------|--------------|---------------|--------------|
| TOTAL CLAIMS  |                                  | - =                                | 0            | X \$ 50.00 =  | \$ 0.00      |
| INDEPENDENT CLAIMS  |                                  | - =                                | 0            | X \$ 200.00 = | 0.00         |
| Since an Official Action set an original due date of March 1, 2005, petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$450)); (3 months (\$1,020)); (4 months (\$1,590)); (5 months (\$2,160)); |                                  |                                    |              |               |              |
| If Notice of Appeal is enclosed, add (\$500.00)   |                                  |                                    |              |               |              |
| If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$130.00)  |                                  |                                    |              |               |              |
| Information Disclosure Statement (Rule 1.17(p)) (\$180.00)  |                                  |                                    |              |               |              |
| Total of above Calculations =   |                                  |                                    |              |               |              |
| Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)   |                                  |                                    |              |               |              |
| TOTAL FEES DUE =  |                                  |                                    |              |               |              |

- (1) If entry (1) is less than entry (2), entry (3) is "0".
- (2) If entry (2) is less than 20, change entry (2) to "20".
- (4) If entry (4) is less than entry (5), entry (6) is "0".
- (5) If entry (5) is less than 3, change entry (5) to "3".

### METHOD OF PAYMENT

- Check enclosed as payment.
- Charge "TOTAL FEES DUE" to the Deposit Account No. below.
- No payment is enclosed and no charges to the Deposit Account are authorized at this time (unless specifically required to obtain a filing date).

### GENERAL AUTHORIZATION

- If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:
 

|                      |                    |
|----------------------|--------------------|
| Deposit Account No.  | 19-3935            |
| Deposit Account Name | STAAS & HALSEY LLP |
- The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

|            |                         |          |                      |
|------------|-------------------------|----------|----------------------|
| Typed Name | Paul W. Bobowiec        | Reg. No. | 47,431               |
| Signature  | <i>Paul W. Bobowiec</i> | Date     | <i>March 1, 2005</i> |

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Docket No.: 1349.1296

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Se-hyun LYU et al.

Serial No.10/724,723

Group Art Unit: 3653

Confirmation No.:2211

Filed:December 2, 2003

Examiner: Bollinger, David H.

For: **PICKUP ERROR-SENSING APPARATUS OF IMAGE FORMING APPARATUS AND METHOD THEREFOR**

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed February 1, 2005 and having a shortened period for response set to expire on March 1, 2005, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect Group I, claims 1-9 and 16-19 in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Groups II and III are concerned, it is believed that claims 10-15 are so closely related to elected claims 1-9 and 16-19 that they should remain in the same application. The elected claims 1-9 and 16-19 are directed to a pickup error-sensing apparatus for an image forming apparatus. Claims 10-12 are drawn to a pickup error-sensing method for an image forming apparatus, and claims 13-15 are drawn to a computer-readable medium encoded with processing instructions implementing a pickup error sensing method for an image forming apparatus.

MPEP §803 sets forth that "if the search and examination of an entire application can be made without a serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants submit that the Examiner

would find references for the contended "combination and subcombination" in the same field of technology. It is believed, moreover, that evaluation of all sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II and Group III claims by filing a divisional application(s).

The Examiner has not set forth why there would be a serious burden if restriction is required.

Even if the Examiner considers claims 10-15 to be a separate invention(s) from claims 1-9 and 16-19, the Applicants respectfully request the Examiner to consider claims 10-12 (Group II) and claims 13-15 (Group III) together.

III. Conclusion

Applicants submit all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: March 4, 2005

By: Paul W. Bobowec  
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